



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,212	11/10/2000	Clay Davis	BMC1110-1	4601
25094	7590	02/09/2004	EXAMINER	
GRAY, CARY, WARE & FREIDENRICH LLP 1221 SOUTH MOPAC EXPRESSWAY SUITE 400 AUSTIN, TX 78746-6875			LUU, LE HIEN	
			ART UNIT	PAPER NUMBER
			2141	12

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/710,212

Applicant(s)

DAVIS ET AL.

Examiner

Le H Luu

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/10/2000 - 7/7/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-15 and 18-27 is/are rejected.
- 7) ☒ Claim(s) 4,5,16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,6-7,10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *IDS Paper # 11*.

Art Unit: 2141

1. Claims 1-22 are presented for examination.
2. Applicant is requested to update status of copending application discussed in the specification.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless—

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language,

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-3, 9-15, 21-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Shelton et al. (Shelton)** patent no. **6,418,471**.
5. As to claim 1, Shelton teaches the invention as claimed, including a method for replaying a predefined path through a set of web pages comprising:
  - selecting a saved request corresponding to a saved URL from a request history (col. 2 lines 33-37; col. 18 lines 29-32);
  - if the saved request is a form request, selecting a best-fit form from a set of forms in an originating web age as a target URL (col. 2 lines 38-42);

Art Unit: 2141

if the saved request is not the form request, selecting a best-fit URL in the originating web page as the target URL (col. 18 lines 24-32); and

sending a replay request to the target URL (col. 11 lines 49-64; col. 18 lines 24-32).

6. As to claims 2-3, Shelton teaches a set of replay form parameters comprises save form parameters and merged form parameters that includes current configuration of the originating web page (col. 2 lines 38-42; col. 8 lines 4-45; col. 10 line 16 - col. 11 line 2).

7. As to claims 9-11, Shelton teaches set of headers so that a target web page returns the same contents so that a target web page returns the same contents as if the replay request were made from a particular type of browser, and a set of cookies contains a modified cookie corresponding to a saved cookie, wherein the modified cookie has been modified such that a target web page returns content as if the replay request were made by a new user, and the save request is a POST or a GET (col. 2 lines 33-46; col. 7 lines 8-63; col. 18 lines 5-64).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6-8 and 18-20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Shelton et al. (Shelton)** patent no. **6,418,471**, in view of **Anupam et al. (Anupam)** patent no. **6,535,912**.

10. As to claim 6, Shelton teaches the invention substantially as claimed as discussed above. In addition, Shelton teaches if the URL of a link exactly matches the saved URL, selecting the link as the best-fit URL (col. 2 lines 38-42; col. 10 lines 43-60). However, Shelton does not explicitly teach selecting a nonmatching URL as the best-fit URL. Anupam teaches choosing a closest matching link as a "best match" link (col. 9 line 26 - col. 11 line 52). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Shelton and Anupam to select a nonmatching URL as the best-fit URL as taught by Anupam because it would provide a target URL that has best match information.

11. Claims 12-15 and 18-27 have similar limitations as claims 1-3 and 6-11; therefore, they are rejected under the same rationale.

12. Claims 4-8 and 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2141

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu, whose telephone number is (703) 305-9650. The examiner can normally be reached Monday through Friday from 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for formal communications; please mark "EXPEDITED PROCEDURE").

Or:

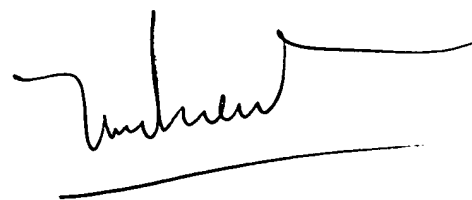
(703) 872-9306 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Application/Control Number: 09/710,212

Art Unit: 2141

Page 6

A handwritten signature in black ink, appearing to read 'Le Hien Luu', with a long horizontal flourish extending to the right.

LE HIEN LUU  
PRIMARY EXAMINER

February 04, 2004